IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 7663 of 2003

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Between:

Smt. K. Chinnamma, W/o. Venkataramana,

Chennareddy Colony, Piler,

Chittoor District.

….. PETITIONER

AND

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1. The District Collector, Chittoor, Chittoor District.
2. The Joint Collector, Chittoor, Chittoor District.
3. The Revenue Divisional Officer, Madanapalle, Chittoor District.
4. The Mandal Revenue Officer, Piler, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, holding that the action of the respondents in canceling the authorization of the petitioner and dismissing the Revision petition of the petitioner by the District Collector, Chittoor in his proceedings D.Dis.No.S1/1780/2001, dated 3-8-2002 without giving an opportunity to the petitioner is illegal, arbitrary and against to the Rules.

Counsel for the Petitioner: MR.D.KODANDARAMI REDDY

Counsel for the Respondents: G.P. for Civil Supplies.

The Court made the following ORDER:

Heard the learned counsel for the petitioner and also the learned Government Pleader for Civil Supplies appearing on behalf of the respondents. At their request the main writ petition itself is taken up for final disposal.

The petitioner herein, who is a fair price shop dealer seeks to assail the order dated 3-8-2002 passed by the District Collector, Chittoor District, first respondent herein on the ground that she was not afforded an opportunity of being heard before the orders were passed. The case of the petitioner is that having been appointed as fair price shop dealer her licence was cancelled by the Revenue Divisional Officer, Madanapalle-the third respondent herein on 16-11-1999. Aggrieved by the said cancellation, she filed appeal before the Joint Collector, second respondent herein, and the same was dismissed on 21-5-2001. Thereafter she filed Revision before the District Collector-the first respondent herein and the same was dismissed on 3-8-2002, which is assailed in this writ petition. It is her case that she was not heard before passing the impugned order and therefore the matter requires reconsideration.

On considering the submissions made and also on perusal of the material on record, it is clear that the impugned order was passed by the

District Collector without hearing the petitioner, since there is no appearance either by her or by her counsel. Since, substantial questions involving the rights of the petitioner have been raised, petitioner ought to have been given an opportunity of being heard, before passing the impugned order.

Under the circumstances, the Writ Petition is allowed. The impugned order is set aside and the matter is remitted back to fourth respondent for fresh disposal, after giving notice and opportunity to the petitioner. No costs.

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B. Prakash Rao, J.

20th July, 2004

js.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Tuesday, the Twentieth day of July, Two thousand and Four.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The District Collector, Chittoor, Chittoor District.
2. The Joint Collector, Chittoor, Chittoor District.
3. The Revenue Divisional Officer, Madanapalle, Chittoor District.
4. The Mandal Revenue Officer, Piler, Chittoor District.
5. Two CCs to G.P. for Civil Supplies, High Court Buildings, Hyderabad.

(OUT)

6. 2 CD copies.